

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

EMILIO ROMERO,

Plaintiff,

v.

TOBYHANNA TOWNSHIP, et al.,

Defendants.

CIVIL ACTION NO. 3:19-cv-01038

(SAPORITO, M.J.)

FILED  
WILKES BARRE

OCT 15 2019

PER MS  
DEPUTY CLERK

**ORDER**

This matter comes before the Court on *pro se* plaintiff Emilio Romero's motion for leave to file an amended complaint in this matter. (Doc. 15). The plaintiff has not attached a complete copy of his proposed amended complaint to the motion, required under the local civil rules.<sup>1</sup>

Rule 15(a) of the Federal Rules of Civil Procedure allows a party to amend a pleading *once* as a matter of course (*i.e.*, without leave of court)

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<sup>1</sup> The local civil rules require that a motion for leave to file an amended complaint must be accompanied by a copy of the *complete* proposed amended complaint, *including all exhibits*. L.R. 15.1(a). Although the federal rules counsel that “[t]he court should freely give leave [to amend] when justice so requires,” Fed. R. Civ. P. 15(a)(2), without a complete draft amended complaint, it is impossible for this Court to determine whether the proposed amendment might be futile or prejudicial to the defendants. See *Fletcher-Harlee Corp. v. Pote Concrete Contractors, Inc.*, 482 F.3d 247, 252 (3d Cir. 2007); *Lake v. Arnold*, 232 F.3d 360, 374 (3d Cir. 2000).

within 21 days after serving it, or within 21 days after service of a responsive pleading or motion under Rule 12(b), (e), or (f). *See* Fed. R. Civ. P. 15(a)(1). The plaintiff has not previously filed an amended complaint. His original complaint has not yet been served on any of the defendants. The defendants have not filed an answer to the complaint, nor a motion under Rule 12(b), (e), or (f).

Accordingly, **IT IS HEREBY ORDERED THAT** the motion to amend (Doc. 15) is **DENIED as MOOT.**

Dated: October 15, 2019

  
JOSEPH F. SAPORITO, JR.  
United States Magistrate Judge